

# House Study Bill 67 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOLT)

## A BILL FOR

1 An Act providing that political ideology is a protected class  
2 under the Iowa civil rights Act of 1965.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. Section 216.5, subsections 6 and 8, Code 2021,  
2 are amended to read as follows:

3     6. To issue such publications and reports of investigations  
4 and research as in the judgment of the commission shall tend  
5 to promote goodwill among the various racial, religious, and  
6 ethnic groups of the state and which shall tend to minimize or  
7 eliminate discrimination in public accommodations, employment,  
8 apprenticeship and on-the-job training programs, vocational  
9 schools, career and technical education programs, or housing  
10 because of race, creed, color, sex, sexual orientation, gender  
11 identity, national origin, religion, ancestry, political  
12 ideology, or disability.

13     8. To make recommendations to the general assembly for  
14 such further legislation concerning discrimination because of  
15 race, creed, color, sex, sexual orientation, gender identity,  
16 national origin, religion, ancestry, political ideology, or  
17 disability as it may deem necessary and desirable.

18     Sec. 2. Section 216.6, subsection 1, paragraphs a, b, and c,  
19 Code 2021, are amended to read as follows:

20     a. Person to refuse to hire, accept, register, classify,  
21 or refer for employment, to discharge any employee, or to  
22 otherwise discriminate in employment against any applicant for  
23 employment or any employee because of the age, race, creed,  
24 color, sex, sexual orientation, gender identity, national  
25 origin, religion, political ideology, or disability of such  
26 applicant or employee, unless based upon the nature of the  
27 occupation. If a person with a disability is qualified to  
28 perform a particular occupation, by reason of training or  
29 experience, the nature of that occupation shall not be the  
30 basis for exception to the unfair or discriminatory practices  
31 prohibited by [this subsection](#).

32     b. Labor organization or the employees, agents, or members  
33 thereof to refuse to admit to membership any applicant, to  
34 expel any member, or to otherwise discriminate against any  
35 applicant for membership or any member in the privileges,

1 rights, or benefits of such membership because of the age,  
2 race, creed, color, sex, sexual orientation, gender identity,  
3 national origin, religion, political ideology, or disability of  
4 such applicant or member.

5     *c.* Employer, employment agency, labor organization, or the  
6 employees, agents, or members thereof to directly or indirectly  
7 advertise or in any other manner indicate or publicize that  
8 individuals of any particular age, race, creed, color, sex,  
9 sexual orientation, gender identity, national origin, religion,  
10 political ideology, or disability are unwelcome, objectionable,  
11 not acceptable, or not solicited for employment or membership  
12 unless based on the nature of the occupation.

13     (1) If a person with a disability is qualified to perform a  
14 particular occupation by reason of training or experience, the  
15 nature of that occupation shall not be the basis for exception  
16 to the unfair or discriminatory practices prohibited by this  
17 subsection.

18     (2) An employer, employment agency, or their employees,  
19 servants, or agents may offer employment or advertise for  
20 employment to only persons with disabilities, when other  
21 applicants have available to them other employment compatible  
22 with their ability which would not be available to persons  
23 with disabilities because of their disabilities. Any such  
24 employment or offer of employment shall not discriminate among  
25 persons with disabilities on the basis of race, color, creed,  
26 sex, sexual orientation, gender identity, political ideology,  
27 or national origin.

28     Sec. 3. Section 216.6A, subsections 1, 2, and 3, Code 2021,  
29 are amended to read as follows:

30     1. *a.* The general assembly finds that the practice of  
31 discriminating against any employee because of the age,  
32 race, creed, color, sex, sexual orientation, gender identity,  
33 national origin, religion, political ideology, or disability  
34 of such employee by paying wages to such employee at a rate  
35 less than the rate paid to other employees does all of the

1 following:

2 (1) Unjustly discriminates against the person receiving the  
3 lesser rate.

4 (2) Leads to low employee morale, high turnover, and  
5 frequent labor unrest.

6 (3) Discourages employees paid at lesser wage rates from  
7 training for higher level jobs.

8 (4) Curtails employment opportunities, decreases employees'  
9 mobility, and increases labor costs.

10 (5) Impairs purchasing power and threatens the maintenance  
11 of an adequate standard of living by such employees and their  
12 families.

13 (6) Prevents optimum utilization of the state's available  
14 labor resources.

15 (7) Threatens the well-being of citizens of this state and  
16 adversely affects the general welfare.

17 b. The general assembly declares that it is the policy  
18 of this state to correct and, as rapidly as possible, to  
19 eliminate, discriminatory wage practices based on age, race,  
20 creed, color, sex, sexual orientation, gender identity,  
21 national origin, religion, political ideology, and disability.

22 2. a. It shall be an unfair or discriminatory practice for  
23 any employer or agent of any employer to discriminate against  
24 any employee because of the age, race, creed, color, sex,  
25 sexual orientation, gender identity, national origin, religion,  
26 political ideology, or disability of such employee by paying  
27 wages to such employee at a rate less than the rate paid to  
28 other employees who are employed within the same establishment  
29 for equal work on jobs, the performance of which requires equal  
30 skill, effort, and responsibility, and which are performed  
31 under similar working conditions. An employer or agent of an  
32 employer who is paying wages to an employee at a rate less than  
33 the rate paid to other employees in violation of [this section](#)  
34 shall not remedy the violation by reducing the wage rate of any  
35 employee.

1     *b.* For purposes of *this subsection*, an unfair or  
2 discriminatory practice occurs when a discriminatory pay  
3 decision or other practice is adopted, when an individual  
4 becomes subject to a discriminatory pay decision or other  
5 practice, or when an individual is affected by application of a  
6 discriminatory pay decision or other practice, including each  
7 time wages, benefits, or other compensation is paid, resulting  
8 in whole or in part from such a decision or other practice.

9     3. It shall be an affirmative defense to a claim arising  
10 under *this section* if any of the following applies:

11     *a.* Payment of wages is made pursuant to a seniority system.

12     *b.* Payment of wages is made pursuant to a merit system.

13     *c.* Payment of wages is made pursuant to a system which  
14 measures earnings by quantity or quality of production.

15     *d.* Pay differential is based on any other factor other than  
16 the age, race, creed, color, sex, sexual orientation, gender  
17 identity, national origin, religion, political ideology, or  
18 disability of such employee.

19     Sec. 4. Section 216.7, subsection 1, paragraphs a and b,  
20 Code 2021, are amended to read as follows:

21     *a.* To refuse or deny to any person because of race, creed,  
22 color, sex, sexual orientation, gender identity, national  
23 origin, religion, political ideology, or disability the  
24 accommodations, advantages, facilities, services, or privileges  
25 thereof, or otherwise to discriminate against any person  
26 because of race, creed, color, sex, sexual orientation, gender  
27 identity, national origin, religion, political ideology,  
28 or disability in the furnishing of such accommodations,  
29 advantages, facilities, services, or privileges.

30     *b.* To directly or indirectly advertise or in any other  
31 manner indicate or publicize that the patronage of persons of  
32 any particular race, creed, color, sex, sexual orientation,  
33 gender identity, national origin, religion, political ideology,  
34 or disability is unwelcome, objectionable, not acceptable, or  
35 not solicited.

1     Sec. 5. Section 216.8, subsection 1, paragraphs a, b, c, and  
2 d, Code 2021, are amended to read as follows:

3     a. To refuse to sell, rent, lease, assign, sublease, refuse  
4 to negotiate, or to otherwise make unavailable, or deny any  
5 real property or housing accommodation or part, portion, or  
6 interest therein, to any person because of the race, color,  
7 creed, sex, sexual orientation, gender identity, religion,  
8 national origin, disability, political ideology, or familial  
9 status of such person.

10    b. To discriminate against any person because of the  
11 person's race, color, creed, sex, sexual orientation, gender  
12 identity, religion, national origin, disability, political  
13 ideology, or familial status, in the terms, conditions,  
14 or privileges of the sale, rental, lease assignment, or  
15 sublease of any real property or housing accommodation or any  
16 part, portion, or interest in the real property or housing  
17 accommodation or in the provision of services or facilities in  
18 connection with the real property or housing accommodation.

19    c. To directly or indirectly advertise, or in any other  
20 manner indicate or publicize that the purchase, rental,  
21 lease, assignment, or sublease of any real property or  
22 housing accommodation or any part, portion, or interest  
23 therein, by persons of any particular race, color, creed,  
24 sex, sexual orientation, gender identity, religion, national  
25 origin, disability, political ideology, or familial status is  
26 unwelcome, objectionable, not acceptable, or not solicited.

27    d. To discriminate against the lessee or purchaser of any  
28 real property or housing accommodation or part, portion, or  
29 interest of the real property or housing accommodation, or  
30 against any prospective lessee or purchaser of the property or  
31 accommodation, because of the race, color, creed, religion,  
32 sex, sexual orientation, gender identity, disability, age,  
33 political ideology, or national origin of persons who may  
34 from time to time be present in or on the lessee's or owner's  
35 premises for lawful purposes at the invitation of the lessee

1 or owner as friends, guests, visitors, relatives, or in any  
2 similar capacity.

3 Sec. 6. Section 216.8A, subsections 1, 2, 4, and 5, Code  
4 2021, are amended to read as follows:

5 1. A person shall not induce or attempt to induce another  
6 person to sell or rent a dwelling by representations regarding  
7 the entry or prospective entry into a neighborhood of a person  
8 of a particular race, color, creed, sex, sexual orientation,  
9 gender identity, religion, national origin, disability,  
10 political ideology, or familial status.

11 2. A person shall not represent to a person of a particular  
12 race, color, creed, sex, sexual orientation, gender identity,  
13 religion, national origin, disability, political ideology,  
14 or familial status that a dwelling is not available for  
15 inspection, sale, or rental when the dwelling is available for  
16 inspection, sale, or rental.

17 4. a. A person whose business includes engaging in  
18 residential real estate related transactions shall not  
19 discriminate against a person in making a residential real  
20 estate related transaction available or in terms or conditions  
21 of a residential real estate related transaction because of  
22 race, color, creed, sex, sexual orientation, gender identity,  
23 religion, national origin, disability, political ideology, or  
24 familial status.

25 b. For the purpose of *this subsection*, “*residential real*  
26 *estate related transaction*” means any of the following:

27 (1) To make or purchase loans or provide other financial  
28 assistance to purchase, construct, improve, repair, or maintain  
29 a dwelling, or to secure residential real estate.

30 (2) To sell, broker, or appraise residential real estate.

31 5. A person shall not deny another person access to,  
32 or membership or participation in, a multiple-listing  
33 service, real estate brokers’ organization or other service,  
34 organization, or facility relating to the business of selling  
35 or renting dwellings, or discriminate against a person in

1 terms or conditions of access, membership, or participation in  
2 such organization because of race, color, creed, sex, sexual  
3 orientation, gender identity, religion, national origin,  
4 disability, political ideology, or familial status.

5 Sec. 7. Section 216.9, subsection 1, unnumbered paragraph  
6 1, Code 2021, is amended to read as follows:

7 It is an unfair or discriminatory practice for any  
8 educational institution to discriminate on the basis of  
9 race, creed, color, sex, sexual orientation, gender identity,  
10 national origin, religion, political ideology, or disability in  
11 any program or activity. Such discriminatory practices shall  
12 include but not be limited to the following practices:

13 Sec. 8. Section 216.10, subsection 1, paragraphs a, b, and  
14 c, Code 2021, are amended to read as follows:

15 a. Creditor to refuse to enter into a consumer credit  
16 transaction or impose finance charges or other terms or  
17 conditions more onerous than those regularly extended by that  
18 creditor to consumers of similar economic backgrounds because  
19 of age, color, creed, national origin, race, religion, marital  
20 status, sex, sexual orientation, gender identity, physical  
21 disability, political ideology, or familial status.

22 b. Person authorized or licensed to do business in this  
23 state pursuant to [chapter 524](#), [533](#), [536](#), or [536A](#) to refuse  
24 to loan or extend credit or to impose terms or conditions  
25 more onerous than those regularly extended to persons of  
26 similar economic backgrounds because of age, color, creed,  
27 national origin, race, religion, marital status, sex, sexual  
28 orientation, gender identity, physical disability, political  
29 ideology, or familial status.

30 c. Creditor to refuse to offer credit life or health and  
31 accident insurance because of color, creed, national origin,  
32 race, religion, marital status, age, physical disability,  
33 sex, sexual orientation, gender identity, political ideology,  
34 or familial status. Refusal by a creditor to offer credit  
35 life or health and accident insurance based upon the age or



1 physical disability of the consumer shall not be an unfair or  
2 discriminatory practice if such denial is based solely upon  
3 bona fide underwriting considerations not prohibited by Title  
4 XIII, subtitle 1.

5 Sec. 9. Section 216.12A, Code 2021, is amended to read as  
6 follows:

7 **216.12A Additional housing exception.**

8 Sections 216.8 and 216.8A do not prohibit a person engaged  
9 in the business of furnishing appraisals of real estate from  
10 taking into consideration factors other than race, color,  
11 creed, sex, sexual orientation, gender identity, religion,  
12 national origin, disability, political ideology, or familial  
13 status in appraising real estate.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill adds political ideology as a protected class  
18 to the Iowa civil rights Act of 1965. Under current law,  
19 protected classes include age, race, color, creed, sex, sexual  
20 orientation, gender identity, religion, national origin,  
21 disability, marital status, and familial status.

22 The Iowa civil rights Act prohibits discrimination in  
23 employment, wages, public accommodations, housing, education,  
24 and credit practices based upon certain characteristics of a  
25 person. A person who claims to be aggrieved by an unfair or  
26 discriminatory practice prohibited by the Iowa civil rights Act  
27 may file a complaint with the Iowa civil rights commission.